

JS 44C/SDNY  
REV. 12/2005

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS  
**Frank Biele**DEFENDANTS/COUNTER-CLAIMANTS  
**AT&T Corp., AT&T Management Pension Plan, AT&T Pension Plan, AT&T Employees' Benefit Committee**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
**Rosen, Preminger & Bloom LLP  
708 Third Ave., Suite 1600  
New York, NY 10017**ATTORNEYS (IF KNOWN)  
**Day Pitney LLP  
P.O. Box 1945  
Morristown, NJ 07962-1945**

(973) 966-6300

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) Plaintiff asserts claims arising under the Employee Retirement Income Security Act of 1974, as amended ("ERISA") Defendants/Counter-Claimants assert claims arising under federal common law and relating to ERISA-governed employee benefit plans.

Has this or a similar case been previously filed in SDNY at any time? No  Yes?  Judge Previously Assigned **Pending before  
Judge Marrero**If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_(PLACE AN  IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
	PERSONAL INJURY	PERSONAL INJURY		
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 422 APPEAL	[ ] 400 STATE REAPPORTIONMENT
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY	[ ] 423 FOOD & DRUG	[ ] 410 ANTITRUST
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 425 WITHDRAWAL	[ ] 430 BANKS & BANKING
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 630 LIQUOR LAWS	28 USC 157	[ ] 450 COMMERCE/ICC RATES/ETC
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE LIABILITY	[ ] 640 RR & TRUCK		[ ] 460 DEPORTATION
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 650 AIRLINE REGS		[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 152 RECOVERY OF DEFOLDED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE	[ ] 660 OCCUPATIONAL SAFETY/HEALTH	[ ] 820 COPYRIGHTS	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 690 OTHER	[ ] 830 PATENT	
[ ] 160 STOCKHOLDERS SUITS	[ ] 360 OTHER PERSONAL INJURY		[ ] 840 TRADEMARK	
[ ] 180 OTHER CONTRACT				[ ] 480 CONSUMER CREDIT
[ ] 195 CONTRACT PRODUCT LIABILITY				[ ] 490 CABLE/SATELLITE TV
[ ] 196 FRANCHISE			SOCIAL SECURITY	[ ] 510 SELECTIVE SERVICE
	ACTIONS UNDER STATUTES			[ ] 1850 SECURITIES/COMMODITIES/EXCHANGE
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		[ ] 515 CUSTOMER CHALLENGE
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 861 MIA (1395FF)	[ ] 12 USC 3410
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	28 USC 2255	[ ] 862 BLACK LUNG (923)	[ ] 891 AGRICULTURE ACTS
[ ] 230 RENT LEASE & EJECTION	[ ] 443 HOUSING ACCOMMODATIONS	[ ] 530 HABEAS CORPUS	[ ] 863 DIWC (405(g))	[ ] 1892 ECONOMIC STABILIZATION ACT
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 535 DEATH PENALTY	[ ] 864 SSID TITLE XVI	[ ] 893 ENVIRONMENTAL MATTERS
[ ] 246 TORT PRODUCT LIABILITY	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 540 MANDAMUS & OTHER	[ ] 865 RSI (405(g))	[ ] 1894 ENERGY ALLOCATION ACT
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 550 CIVIL RIGHTS		[ ] 895 FREEDOM OF INFORMATION ACT
		[ ] 555 PRISON CONDITION		[ ] 1900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
				[ ] 1950 CONSTITUTIONALITY OF STATE STATUTES
				[ ] 1890 OTHER STATUTORY ACTIONS

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE **Marrero** DOCKET NUMBER **07-588**Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN X IN ONE BOX ONLY)

**ORIGIN**

1 Original Proceeding       2a. Removed from State Court       3 Remanded from Appellate Court       4 Reinstated or Reopened       5 Transferred from (Specify District)       6 Multidistrict Litigation       7 Appeal to District Judge from Magistrate Judge Judgment

2b. Removed from State Court  
AND at least one party is a pro se litigant

(PLACE AN X IN ONE BOX ONLY)

**BASIS OF JURISDICTION**

1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION (U.S. NOT A PARTY)     4 DIVERSITY

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.  
(28 USC 1332, 1441)****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	[ ] 1	[ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ] 3	[ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ] 5	[ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

**3038 Crompond Road  
Yorktown Heights, NY 10598**

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

**One AT&T Way  
Bedminster, NJ 07921**

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  FOLEY SQUARE  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 3/26/07 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

Kristine J.  
Feher

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[x] YES (DATE ADMITTED Mo. 1 Yr. 2000)  
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)